IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODGING) NO.24 OF 2005
IN
NOTICE OF MOTION NO.3185 OF 2004
IN
SUIT NO.3121 OF 2004

Gstaad Hotels Pvt.Ltd. & Ors. ....Appellants

V/s.

Gopal L. Raheja & Ors. ....Respondents

Mr.R.Dada with Mr.Virag Tulzapurkar with Mr. Mahendra Ghelani i/b M/s.Law Charter for the Appellants.

Mr.Janak Dwarkadas with Mr.P.K. Samdhani with Mr.Ravi Kadam i/b P.K. Shroff & Co. for Respondent No.1.

Mr.P.A. Sawant i/b V.A. Thorat for Respondent No.2.

Mr.N. Seervai with Mr.Berjis Desai with Mr.Vikram Roghani i/b J.Sagar & Associates for Respondent Nos.3 to 6.

Ms.Rajani Ayer for Respondent No.7.

Mr.M.S. Doctor for Respondent No.8.

WITH

APPEAL NO.10 OF 2005
IN
NOTICE OF MOTION NO.3185 OF 2004
IN
SUIT NO.3121 OF 2004

Vijay B. Rajeha & Ors. ....Appellants

V/s.

Gopal L. Raheja ....Respondent

Mr.N. Seervai with Mr.Berjis Desai with Mr.Vikram Roghani i/b J.Sagar & Associates for the Appellants.

Mr.Janak Dwarkadas with Mr.P.K. Samdhani with Mr.Ravi Kadam i/b P.K. Shroff & Co. for Respondent No.1.

Mr.P.A. Sawant i/b V.A. Thorat for Respondent No.2.

Mr.R.Dada with Mr.Virag Tulzapurkar with Mr. Mahendra Ghelani i/b M/s.Law Charter for Respondents.

Ms.Rajani Ayer for Respondent No.7.

Mr.M.S. Doctor for Respondent No.8.

WITH
APPEAL (LODGING) NO.40 OF 2005
IN
NOTICE OF MOTION NO.3185 OF 2004
IN
SUIT NO.3121 OF 2004

Royal Investments Pvt.Ltd. & Ors. ....Appellants

V/s.

Gopal L. Raheja & Ors. ....Respondents

Ms.Rajani Iyer i/b R.R. Rawell & Co. for the Appellants.

Mr.Janak Dwarkadas with Mr.P.K. Samdhani with Mr.Ravi Kadam i/b P.K. Shroff & Co. for Respondent No.1.

Mr.N.Seerwai with Mr.B.Desai with Mr.Vikram Roghani i/b Sagar & Associates for Respondent Nos.3 to 6.

Mr.P.A. Sawant i/b V.A. Thorat for Respondent No.2.

Mr.R.A. Dada with Mr.V.Tulzapurkar with Mr.Mahendra Ghelani i/b Law Charter for Respondent No.7.

Mr.M.S. Doctor for Respondent No.8.

WITH

APPEAL (LODGING) NO.45 OF 2005
IN
NOTICE OF MOTION NO.3185 OF 2004
IN
SUIT NO.3121 OF 2004

Marvel Fragrances Pvt.Ltd. ....Appellants

V/s.

Gopal L. Raheja & Ors. ....Respondents

Ms.Rajani Iyer i/b Raval Shah & Co. for the Appellants.

Mr.Janak Dwarkadas with Mr.P.K. Samdhani with Mr.Ravi Kadam i/b P.K. Shroff & Co. for Respondent No.1.

Mr.N.Seerwai with Mr.B.Desai with Mr.Vikram Roghani i/b Sagar & Associates for Respondent Nos.3 to 6.

Mr.P.A. Sawant i/b V.A. Thorat for Respondent No.2.

Mr.R.A. Dada with Mr.V.Tulzapurkar with Mr.Mahendra Ghelani i/b Law Charter for the Respondents.

Mr.M.S. Doctor for Respondent No.8.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 17TH JANUARY, 2005.

P.C. :

. All appeals are admitted and disposed of by consent.

2. By consent the order of the learned single Judge is substituted with the following order :-

i). There shall be an ad-interim order in terms of prayer clauses (b) (ii) and (iii), except bracketed portion in clause (b), which read as follows :-

"(b) (ii) : The Defendants, their servants and agents be restrained by an order and injunction of this Hon’ble Court from encumbering, alienating or parting with possession of the said property more particularly described in Exh. "A" to plaint and the construction thereon and/or the rights or interest therein.

(iii) The Defendants, their servants and agents be restrained by an order and injunction of this Hon’ble Court from alienating or encumbering the shares of Defendant No.5 Company or from exercising any rights or receiving any benefits in respect thereof".

ii). The Plaintiffs will deposit in this Court

Rs.12.00 crores within four weeks from today. If the amount is not deposited within the said period, Motion to stand dismissed.

iii). Any further development on the suit property shall be subject to the result of Notice of Motion and the counsel of the Appellants agree not to claim any equity on account of the said development.

3. The learned single Judge is requested to dispose of the Notice of Motion expeditiously and preferably within three months from today. The parties shall appear before the learned single Judge on 28th January, 2005.

4. It is needless to say that the observations in this order as well as in the order of the learned single Judge are prima-facie and tentative observations and will not be relied upon by any of the parties.